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March 8, 2002

By Hand Delivery

William F. Caton, Acting Secretary
 Federal Communications Commission
 445 12th Street, N.W.
 Washington, D.C. 20554

RE: AMENDMENT TO PETITION FOR RULEMAKING
 Amendment of Section 73.622(b), Digital Television Table of Allotments
Pappas Telecasting of America, a California Limited Partnership

Dear Mr. Caton:

Transmitted herewith is an original and four copies of an "Amendment to Petition for Rulemaking," filed on behalf of Pappas Telecasting of America, a California Limited Partnership.

Should there be any questions regarding this filing, please contact undersigned counsel.

Sincerely,



Lee G. Petro

Counsel to Pappas Telecasting of America,
 A California Limited Partnership

Enclosures

ot 4

bcc: Mr. Harry J. Pappas (with enclosure)
Mr. Peter Pappas (with enclosure)
Anne Goodwin Crump, Esquire
Vincent J. Curtis, Jr., Esquire

FILE Pappas Telecasting - WB -#4PLEADINGS - Charleston (16075-01)

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of: }
 }
Amendment of Section 73.622(b) }
TV Table of Allotments }
TV Broadcast Stations }
(Charleston, West Virginia) }

RECEIVED

MAR - 8 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Policy and Rules Division
Mass Media Bureau

**AMENDMENT TO
PETITION FOR RULEMAKING**

Pappas Telecasting of America, a California Limited Partnership ("Pappas"), by and through its counsel, hereby submits an "Amendment to Petition for Rulemaking" and seeks to amend the DTV Table of Allotments, 47 C.F.R. § 73.622(b) (2000), to allot DTV Channel 52 at Charleston, West Virginia. This Petition is submitted in response to the *Public Notice*, dated February 6, 2002, opening a filing window to submit petitions for rulemakings for allotments to the DTV Table of Allotments.¹ As discussed in more detail below, DTV Channel 52 can be allotted at Charleston, West Virginia in compliance with the Commission's rules.

BACKGROUND

In 1996, Pappas filed an application for a construction permit for a new NTSC television broadcast station to operate on Channel 23 at Charleston, West Virginia (File No. BPCT-19960722KO). Subsequently, the Commission permitted parties for new television construction permit applications to specify a different channel that was not displaced by the adoption of the DTV Table of Allotments.²

¹ *Mass Media Bureau Announces Window Filings Opportunity for Certain Pending Requests for New NTSC Television Stations on Channels 52-59*, DA 01-270 (rel. Feb. 6, 2002).

² *Mass Media Bureau Announces Window Filing Opportunity For Certain Pending Applications And Allotment Petitions For New Analog TV Stations*, 14 FCC Rcd 19559 (1999), as extended by Window Filing

Pappas filed a petition for rulemaking on July 14, 2000, specifying NTSC Channel 55 rather than the allotted NTSC Channel 23 at Charleston.³ The Commission has now determined that all parties with pending petitions for rulemaking specifying NTSC allotments in the Channel 52-59 band, that still wish to prosecute their original applications, must either (i) locate an available NTSC or DTV channel in the core television spectrum, i.e., Channels 2 through 51, or (ii) locate an available DTV channel within the Channel 52-59 group.⁴ Any applicant that does not follow these requirements will face dismissal of its application. *Id.*

DISCUSSION

In light of Pappas' continued interest in prosecuting its application, and bringing a new local television service to the Charleston community, the instant petition proposes that DTV Channel 52 be allotted to the DTV Table of Allotments at Charleston, West Virginia. Such an allotment would aid in the DTV transition by providing a new DTV-only service to Charleston, West Virginia, thereby encouraging members of the public to invest in DTV receivers.

Specifically, Pappas proposes the amendment of Section 73.622(b) of the Commission's rules as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Charleston, West Virginia	19, 39, 41	19, 39, 41, 52

Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000, 15 FCC Rcd 4974 (2000).

³ While Grant Telecasting, Inc. filed a mutually exclusive Petition for Rulemaking on July 17, 2000, requesting the allotment of NTSC Channel 55 at Ashland, Kentucky, that situation no longer exists. Pappas understands that, concurrent with the filing of this petition, Grant Telecasting is filing a petition to amend the DTV Table of Allotments to specify a different channel at Ashland, thus eliminating any mutual exclusivity between the Grant and Pappas proposals.

⁴ See *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, Report and Order, FCC 01-364 (rel. Jan. 18, 2002). The Commission also dismissed all pending petitions for rulemaking that proposed an NTSC allotment in the 52-59 Channel band.

Attached as Exhibit One is an Engineering Statement from WES, Inc., demonstrating that the proposed facilities on DTV Channel 52 at Charleston will comply with the Commission's rules, and will not cause any prohibited interference.

Should the petition for rulemaking be granted, and Channel 52 is allocated at Charleston, West Virginia, Pappas will amend its application to specify the revised facilities. Should its application for a new construction permit at Charleston be granted, Pappas will construct the facility as authorized.

CONCLUSION

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, a California Limited Partnership, respectfully requests that the Commission grant the petition for rulemaking, as amended and allot Channel 52 in the DTV Table of Allotments at Charleston, West Virginia. The allotment would introduce a new local television service to the community, and would best serve the public interest.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,
a California Limited Partnership

By: 

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Its Attorneys

March 8, 2002

Engineering Statement
Charleston, WV
Channel 52 DTV
Amendment to Proposed Rulemaking
By WES Broadcast Consultants

Charleston, WV Channel 55 NTSC seeks to Amend its current Rulemaking proposal on Channel 55 NTSC to DTV Channel 52 with an ERP of 100 kW Digital using a C pattern with it's orientation shown in Exhibit ANT-1. Channel 52 DTV's change will not result in a change of location or RCAMSL. Charleston, WV DTV Channel 52 meets and maintains the proper City of License Coverage required. Charleston, WV Channel 52 DTV is Short spaced to one NTSC facility and one DTV facility.

Exhibit FLR-1 demonstrates protection to Channel 52 WBOY-DT's maximized facility. The amount of interference to WBOY-DT Channel 52 is .10 percent which is less than de minimus.

Exhibit FLR-2 is run against the Digital Allotment for WBOY-DT. The amount of interference to WBOY-TV* is .33 which is less than the de minimus standard as well.

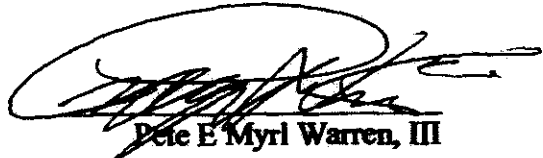
Exhibit FLR-3 demonstrates .30 percent interference to WMSY-TV NTSC Channel 52 which again less than the de minimus standard.

WES Broadcast Consultants.

DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Television Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES Broadcast Consultants and that the firm has been retained to prepare an engineering statement on behalf of Pappas Telecasting of America, a California Limited Partnership.

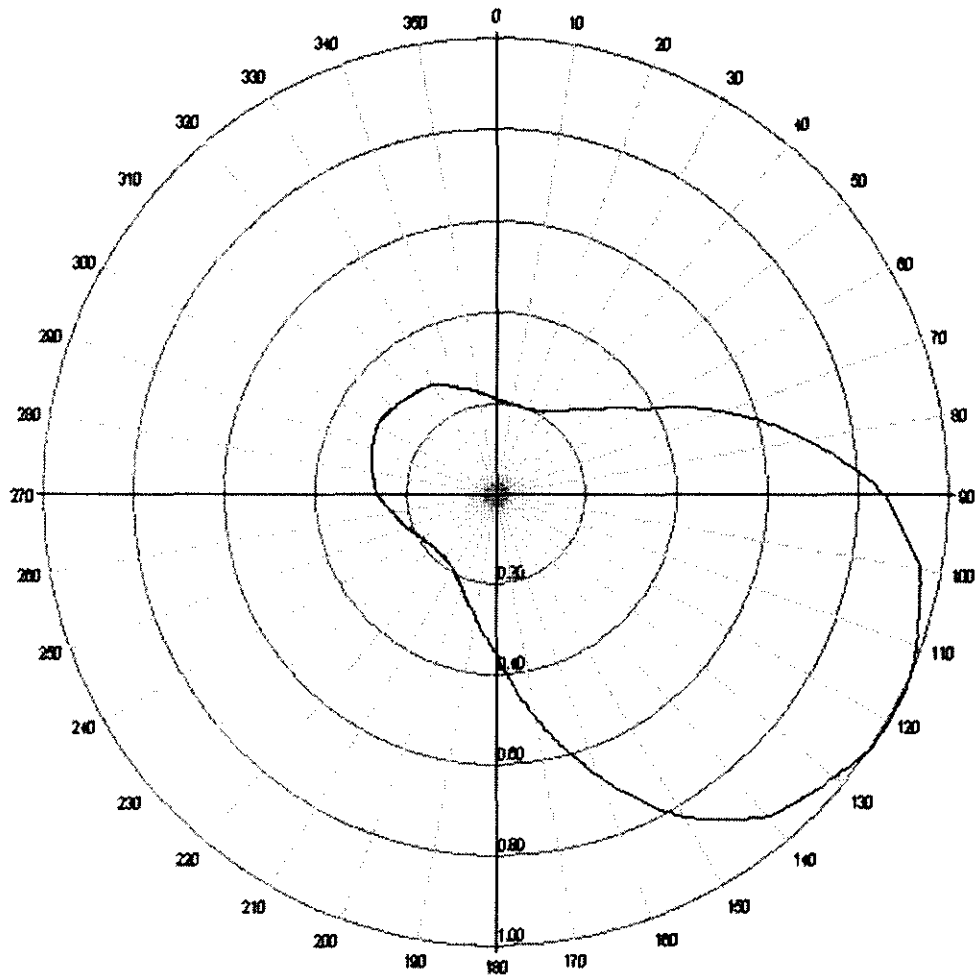
All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 7th day of March 2002

**Exhibit Ant-1 Charleston, WV Channel 52 DTV Amendment to proposed Rulemaking
prepared by WES Broadcast Consultants**



Azim	RelFS	ERP [kW]	dBc
0.0	0.209	4.368	6.403
5.0	0.204	4.162	6.193
10.0	0.200	4.000	6.021
15.0	0.199	3.960	5.977
20.0	0.198	3.920	5.933
25.0	0.202	4.080	6.107
30.0	0.207	4.285	6.319
35.0	0.222	4.928	6.927
40.0	0.238	5.664	7.532
45.0	0.264	6.970	8.432
50.0	0.289	8.352	9.218
55.0	0.331	10.956	10.397
60.0	0.372	13.838	11.411
65.0	0.450	20.250	13.064
70.0	0.527	27.773	14.436
75.0	0.610	37.210	15.707
80.0	0.691	47.748	16.790
85.0	0.772	59.598	17.752

Azim	RelFS	ERP [kW]	dBc
90.0	0.852	72.590	18.609
95.0	0.901	81.180	19.094
100.0	0.950	90.250	19.554
105.0	0.967	93.509	19.709
110.0	0.985	97.022	19.869
115.0	1.000	100.000	20.000
120.0	1.000	100.000	20.000
125.0	0.997	99.401	19.974
130.0	0.974	94.868	19.771
135.0	0.951	90.440	19.564
140.0	0.929	86.304	19.360
145.0	0.877	76.913	18.860
150.0	0.825	68.062	18.329
155.0	0.743	55.205	17.420
160.0	0.662	43.824	16.417
165.0	0.581	33.756	15.284
170.0	0.500	25.000	13.979
175.0	0.425	18.062	12.568

Azim	RelFS	ERP [kW]	dBc
180.0	0.350	12.250	10.881
185.0	0.310	9.610	9.827
190.0	0.270	7.290	8.627
195.0	0.245	6.002	7.783
200.0	0.220	4.840	6.848
205.0	0.205	4.202	6.235
210.0	0.190	3.610	5.575
215.0	0.185	3.422	5.343
220.0	0.180	3.240	5.105
225.0	0.180	3.240	5.105
230.0	0.181	3.276	5.154
235.0	0.186	3.460	5.390
240.0	0.191	3.648	5.621
245.0	0.202	4.080	6.107
250.0	0.213	4.537	6.568
255.0	0.223	4.973	6.966
260.0	0.234	5.476	7.384
265.0	0.250	6.250	7.959

Azim	RelFS	ERP [kW]	dBc
270.0	0.266	7.076	8.498
275.0	0.272	7.398	8.691
280.0	0.278	7.728	8.881
285.0	0.284	8.066	9.066
290.0	0.291	8.468	9.278
295.0	0.297	8.821	9.455
300.0	0.303	9.181	9.629
305.0	0.299	8.940	9.513
310.0	0.295	8.702	9.396
315.0	0.291	8.468	9.278
320.0	0.287	8.237	9.158
325.0	0.283	8.009	9.036
330.0	0.279	7.784	8.912
335.0	0.264	6.970	8.432
340.0	0.249	6.200	7.924
345.0	0.239	5.712	7.568
350.0	0.229	5.244	7.197
355.0	0.219	4.796	6.809

Exhibit FLR-1
 Ch 52 DTV Charleston, WV
 Amendment to Pending Rulemaking
 prepared by Wes, Inc. Broadcast Consultants

Ch 52 DTV N LAT 38-30-21 W LON 82-12-33 ERP: 100 kW AGL:341m GAMSL:273m RCAMSL:614m

Callsign	City	Class	Status	ERP	Sep Type	Status Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
WBOY-DT	CLARKSBUR	DTV	CP	324	D/M	Clean	184	197	-12.7	15	10	14	1 UHF	52	Co	LR	F(50,90)	41

Population before the addition of Ch 52 to the database not affected by terrain losses: 352,592 persons
 Population lost to NTSC before the addition of Ch 52: 1,289 persons
 Population after the loss to NTSC: 351,303 persons
 Population after the addition of Ch 52 to the database: 350,916 persons
 Population lost to NTSC with Ch 52: 387 persons
 Percentage of population lost with Ch 52: 0.10 %

Exhibit FLR-2
 Ch 52 DTV Charleston, WV
 Amendment to Pending Rulemaking
 prepared by Wes, Inc. Broadcast Consultants

Ch 52 DTV N LAT 38-30-21 W LON 82-12-33 ERP: 100 kW AGL:341m GAMSL:273m RCAMSL:614m

Callsign	City	Class	Status	ERP	Sep Type	Status Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
WBOY-TV*	CLARKSBUR	DTV	LIC	1000	D/M	Clean	184	197	-12.7	15	10	14	1 UHF	52	Co	LR	F(50,90)	41

Population before the addition of Ch 52 to the database not affected by terrain losses: 443,331 persons
 Population lost to NTSC before the addition of Ch 52: 3,131 persons
 Population after the loss to NTSC: 440,210 persons
 Population after the addition of Ch 52 to the database: 438,719 persons
 Population lost to NTSC with Ch 52: 1,491 persons
 Percentage of population lost with Ch 52: 0.33 %

Exhibit FLR-3
Ch 52 DTV Charleston, WV
Amendment to Pending Rulemaking
prepared by Wes, Inc. Broadcast Consultants

Ch 52 DTV N LAT 38-30-21 W LON 82-12-33 ERP: 100 kW AGL:341m GAMSL:273m RCAMSL:614m

Callsign	City	Class	Status	ERP	Sep Type	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
WMSY-TV	MARION	NTSC	LIC	741	D/M	Clean	188	218	-30.1	34	0	6	2 UHF	52	- Co	LR	F(50,50)		64

Population before the addition of Ch 52 to the database not affected by terrain losses: 93,449 persons

Population lost to NTSC before the addition of Ch 52: 0 persons

Population after the loss to NTSC: 93,449 persons

Population after the addition of Ch 52 to the database: 93,194 persons

Population lost to NTSC with Ch 52: 255 persons

Percentage of population lost with Ch 52: 0.27 %